

REMARKS

This application contains claims 35-62. Claims 49, 50, 58 and 62 are allowed. No new matter has been introduced. Reconsideration is respectfully requested.

The specification was objected to for containing hyperlinks. Applicants have amended the specification to delete the hyperlinks.

Claims 35, 38-48, 51, 55-57 and 59-61 were rejected under 35 U.S.C. 103(a) over Liddy et al. (U.S. 6,304,864) in view of De Bellis (U.S. Patent 6,760,720), while claims 36, 37, 46, 52-54, 57 and 61 were rejected under 35 U.S.C. 103(a) over these Liddy and De Bellis and further in view of Wical (U.S. 6,038,560) or Bowman et al. (U.S. 6,006,225). Applicants respectfully traverse these rejections.

Applicants submit herewith a Declaration under 37 C.F.R. 1.131 proving that the invention recited in claims 35-45, 51-56, 59 and 60 was reduced to practice prior to February 25, 2000, which is the filing date of De Bellis. Software source code that was created and tested by Applicants prior to this date, and which is submitted as Exhibits A-C to the Declaration, implements all the elements of method claims 35-45, as well as of the corresponding apparatus and software product claims.

With respect to claims 46-48 (and the corresponding apparatus and software product claims 57 and 61), it is believed that Applicants' implementation of the invention would have enabled a person of ordinary skill in the art to practice these claims prior to February 25, 2000, and thus provides a sufficient basis to overcome De Bellis, even though some elements of these claims are not implemented in the code. In this regard, Applicants call the Examiner's attention to MPEP 715.02(I), second paragraph:

“Where a claim has been rejected under 35 U.S.C. 103 based on Reference A in view of Reference B, with the effective date of secondary Reference B being earlier than that of Reference A, the applicant can rely on the teachings of Reference B to show that the differences between what is shown in his or her 37 CFR 1.131 affidavit or declaration and the claimed

invention would have been obvious to one of ordinary skill in the art prior to the date of Reference A.”

Thus, on the basis of Applicants’ Declaration, De Bellis is not applicable as prior art against the present patent application, and the rejections under 35 U.S.C. 103(a) should be withdrawn.

Applicant believes the amendments and remarks presented above to be fully responsive to all of the objections and grounds of rejection raised by the Examiner. In view of these amendments and remarks, all of the claims in this application are believed to be in condition for allowance. Prompt notice to this effect is requested.

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Respectfully submitted,

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